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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,059	04/15/2004	James Weldon	67,010-096; H2755-SUN	7215

26096 7590 08/04/2008

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EXAMINER	
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ART UNIT	PAPER NUMBER
2836	

MAIL DATE	DELIVERY MODE
08/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/825,059	WELDON, JAMES	
	Examiner	Art Unit	
	DHARTI H. PATEL	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,19 and 21-26* is/are pending in the application.

4a) Of the above claim(s) *25 and 26* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,19 and 21-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 September 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Newly submitted claims 25-26 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims as originally filed concerns a motor that automatically receives a determined motor input power setting, without user intervention [see for example claims 1 and 4]. Newly submitted claims 23-26 concern a motor that requires a user to manually enter the determined motor input power setting to the motor, after observing the determined motor input power setting on a display. The added user step of manually setting the determined motor input power setting to the motor changes the scope of the original invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 25-26 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17, 19, and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Younger et al., Patent No. 6,445,966.

With respect to claims 1, 8, 14, 16, and 17, Younger discloses a motor controller [Fig. 1; col. 1 lines 5-10; col. 2 lines 15-20] and method [col. 3 lines 55-67 and col. 4 lines 1-3] comprising: an interface [Fig. 1, 22, 26, 28; col. 2 lines 20-30] for manually entering values of a motor output [col. 2 lines 42-47; col. 3 lines 1-12; the manually entered values of motor output are Torque T1 and T2]; an input power setting determining module [Fig. 2A, microprocessor 48 in communication with programmable input/output module 26, Fig. 22] that automatically determines a motor input power setting based upon entered motor output values [col. 11 lines 5-35; lines 60-67 and col. 12 lines 1-8, lines 33-50. The entered motor output values are Torque values T1 and T2, which are then used to calculate the appropriate line currents needed to produce such a torque- col. 11 lines 5-35; col. 11 lines 60-67 and col. 12 lines 1-8]; and a display portion [Fig. 1, input/display 22; Fig. 22 programmable input/output module 26] that provides a visual display of the determined motor input power setting [Fig. 22, the entered torque values T1, T2 are inputted via Pots. 320, 322, 324, 326- col. 17 lines 50-67 to col. 19 lines 1-8; microprocessor 48 then calculates the appropriate line currents to determine how much current is required to produce the entered torque; the produced torque of the motor is then displayed in Fig. 22, by programmable input/output 26- see the two visual plots of T; col. 3 lines 12-34]; and a device [Fig. 1, M 16 drives a pump; col. 7 lines 15-21] driven by said motor [col. 7 lines 15-23].

With respect to claims 2 and 9, Younger discloses that said values of motor output comprise a motor rating value [col. 11 lines 5-9].

With respect to claims 3 and 10, Younger discloses that said values of motor output comprise a motor efficiency value [col. 7 lines 15-38].

With respect to claim 4, The motor controller as recited in claim 1, wherein said values of motor output comprise an external current transformer value.

With respect to claim 11, Younger discloses that device comprises a pump [col. 11 lines 5-35; lines 60-67 and col. 12 lines 1-8, lines 33-50].

With respect to claims 5, 12, and 19, Younger discloses a trip module that automatically interrupts power to the motor responsive to an actual motor input power exceeding a motor input trip value that is based at least in part upon a motor output trip value [col. 18 lines 66-67 and col. 19 lines 1-27].

With respect to claims 6 and 13, Younger discloses that the controller automatically determines said motor input trip value based upon an entered motor output trip value [col. 18 lines 66-67 and col. 19 lines 1-27].

With respect to claims 7 and 15, Younger discloses that said interface selectively locks to prevent a user from changing a setting of the controller [col. 15 lines 8-35; col. 16 lines 3-9].

With respect to claims 21 and 23, Younger that the interface is configured to allow a user to manually confirm use of the determined motor input power setting as displayed on the display portion [the user can visually, and therefore manually, confirm usage of the determined Torque by looking at the display in Fig. 22, item 26; as well as

simply by looking at the output of the pump to see if it decreases or increases, per the entered instruction].

With respect to claims 22 and 24, Younger discloses that the interface is configured to allow a user to manually change the input power setting from the determined motor input power setting displayed on the display portion [if the user wishes to change the determined torque that is displayed, the user may utilize POTS. 320, 322, 324, 326 shown in Fig. 22; col. 17 lines 50-67 to col. 19 lines 1-8].

Response to Arguments

Applicant's arguments filed 04/02/2008 have been fully considered but they are not persuasive.

Applicant argues that Younger does not display a determined input power setting. The examiner disagrees. The input power settings are Torque values T1 and T2. T1 and T2 are "determined" because initially, desired torque values are inputted by a user via Pots. 320, 322, 324, 326- See Fig. 22, col. 17 lines 50-67 to col. 19 lines 1-8; microprocessor 48 then *calculates the appropriate line currents to determine how much current is required to produce the desired torque* [see for example, col. 6 lines 59 to col. 8 lines 28]; the produced torque of the motor is then detected by microprocessor 48 through a variety of inputs [see Fig. 2A, INPUTS 68a-68d; col. 8 lines 65 to col. 12 lines 8].

The determined T1 and T2 values are then displayed in Fig. 22, by programmable input/output 26- see the two visual plots of T; col. 3 lines 12-34, specifically lines 30-35 state

> It is contemplated that the micro-controller adjust the display of the value of the user selected operating parameter in response to the setting of the parameter value adjustment device. The parameter value adjustment device may include

Output torque values are entered. Determined input motor torque values are calculated then sent to the motor. The output torque is then fed back to the display for user confirmation/adjustment.

Based on examiner's best understanding, it is believed that the prior art reference by Younger reads on the claim language of independent claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dharti H. Patel whose telephone number is 571-272-8659. The examiner can normally be reached on 7:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2800, Ext. 36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Sherry/
Supervisory Patent Examiner, Art Unit 2836
/Dharti H Patel/
Examiner, Art Unit 2836
07/30/2008